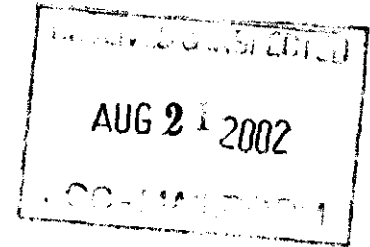


Federal Communications Commission

DA 02-2011

Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)	
)	
Request for Review of the Decision of)	
the Universal Service Administrator by)	
)	
Fair Lawn Board of Education)	File No. NEC.471.11-19-99.01100003
Fair Lawn, New Jersey)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21✓
National Exchange Carrier Association, Inc.)	

ORDER**Adopted: August 14, 2002****Released: August 15, 2002**

By Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Before the Telecommunications Access Policy Division is a Request for Review filed by the Fair Lawn Board of Education (Fair Lawn), Fair Lawn, New Jersey, seeking review of a decision issued by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ Fair Lawn seeks review of SLD's denial of its application for discounts for Internet access under the schools and libraries universal service support mechanism.²

¹ Letter from Joanne Wilson, Fair Lawn Board of Education, to Federal Communications Commission, filed January 11, 2002 (Request for Review).

² *Id.* See also Letter from Schools and Libraries Division, Universal Service Administrative Company, to Joanne Wilson, Fair Lawn Public Schools, dated December 3, 2001 (Administrator's Decision on Appeal).

2. On November 19, 1999, Fair Lawn applied for discounts for telecommunication services.³ On December 10, 1999, Fair Lawn filed an application seeking discounts for internal connections.⁴ In each instance, instead of using the correct Funding Year 2000 FCC Form 471 forms⁵, Fair Lawn applied for support using Funding Year 1999 FCC Form 471 forms. On February 16, 2000, SLD sent Fair Lawn a letter stating that its applications failed to meet minimum processing standards and would not be processed.⁶

3. Fair Lawn then appealed to SLD, stating that although it used Funding Year 1999 forms for its Funding Year 2000 applications, its applications were filed before the close of the filing window.⁷ Fair Lawn also submitted new Funding Year 2000 applications and requested that they be considered as filed within the Year 2000 window.

4. On June 8, 2000, SLD issued a decision, referencing Application Number NEC.471.12.10.99.230008, stating that it could not consider Fair Lawn's request.⁸ SLD's letter directed Fair Lawn to instead seek relief with the Commission. Fair Lawn then filed a Request for Waiver with the Commission on June 22, 2000 regarding both of its original FY 2000 applications.⁹

5. On June 27, 2001, the Common Carrier Bureau (Bureau) issued a decision denying Fair Lawn's Request for Review of SLD's decisions regarding File Numbers NEC.471.12-10-99.02300008 and NEC.471.11-19-99.01100003.¹⁰ In the *Fair Lawn Order*, the Bureau upheld

³ FCC Form 471, Fair Lawn Board of Education, filed November 19, 1999 (Application Number NEC.471.11-19-99.01100003)

⁴ FCC Form 471, Fair Lawn Board of Education, filed December 10, 1999 (Application Number NEC.471.12-10-99.02300008).

⁵ Previously, this funding period was referred to as Funding Year 3. Funding years are now described by the year in which the funding period starts. Thus, the funding period which begins on July 1, 2000 and ends on June 30, 2001, previously referred to as Funding Year 3, is now called Funding Year 2000. The funding period which begins on July 1, 2001 and ends on June 30, 2002 is now known as Funding Year 2002, and so on.

⁶ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Fair Lawn Public Schools, dated February 16, 2000.

⁷ Letter from Bruce Watson, Fair Lawn Board of Education, to Schools and Libraries Division, Universal Service Administrative Company, dated February 22, 2000 (SLD Appeal).

⁸ Letter from Schools and Libraries Division, Universal Service Administrative Company, to Fair Lawn Public Schools, dated June 8, 2000 (Administrator's Decision of Waiver Request).

⁹ Letter from Bruce Watson, Fair Lawn Board of Education, to Federal Communications Commission, filed June 22, 2000 (Request for Waiver).

¹⁰ See *Request for Review by Fair Lawn Board of Education, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-10-99.02300008 and NEC.471.11-19-99.01100003, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 12901 (Com. Car. Bur. 2001) (*Fair Lawn Order*). The Bureau is now known as the Wireline Competition Bureau.

SLD's decision not to process Fair Lawn's applications because the applications did not meet minimum processing standards.¹¹

6. By letter dated December 3, 2001, SLD issued a decision referencing Application Number NEC.471.11-19-99.01100003.¹² SLD stated that Fair Lawn's first submission was received inside the filing window but was rejected because the wrong OMB-approved FCC Form 471 was used. SLD also stated that Fair Lawn second submission (received February 22, 2000 with its SLD Appeal) still contained the incorrect OMB-approved form.¹³

7. Fair Lawn then filed the instant Request for Review.¹⁴ Fair Lawn again challenges SLD's decision to deny File Number NEC.471.11-19-99.01100003.¹⁵ Because the June 27, 2001 decision disposed of the factual and legal issue, we dismiss Fair Lawn's Request for Review without further consideration.

8. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. 0.91, 0.291, and 54.722(a), that the Request for Review filed by Fair Lawn Board of Education, Fair Lawn, New Jersey, on January 11, 2002, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

¹¹ *Id.*

¹² Administrator's Decision on Appeal.

¹³ *Id.* Fair Lawn's second submission was actually on the correct OMB-approved form, but it was untimely filed.

¹⁴ Request for Review.

¹⁵ *Id.*